IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1414 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANU SURSING BHURIA BHIL

Versus

ABDULSALAM H PATHAN

Appearance:

1. First Appeal No. 1414 of 1985

MR MUKESH R SHAH for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-2

MR NAGIN N GANDHI for Respondent No. 3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 10/07/2003

ORAL JUDGEMENT

1. This appeal by the original claimant under Section 110-D of the Motor Vehicles Act, 1939 is directed against the judgment and award dated 14th May, 1985 passed by the M.A.C. Tribunal (Main) Panchmahals at Godhra in M.A.C. Petition no.735 of 1983.

2. The claimant was aged 42 years and claimed Rs.90,000=00 as compensation for injuries and disability suffered in a road traffic accident involving the vehicle driven by respondent no.1, owned by respondent no.2 and insured with respondent no.3. The Tribunal, after recording the finding that the accident was caused by the negligence of the driver, proceeded to assess compensation. The claimant was a labourer and was earning Rs.8=00 per day. The Tribunal awarded Rs.17,500=00 for pain, shock and suffering, Rs.30,000=00 for pecuniary loss on account of disablement and Rs.3,000=00 for actual loss of income snd expenses, in all, Rs.50,500=00. The Tribunal also awarded interest at the rate of 12% on the said amount.

3. The claimant has, therefore, filed this appeal for additional compensation, since the Tribunal awarded Rs.50,500=00 only against the claim for Rs.90,000=00.

4. The learned counsel for the appellant took me through the judgment and evidence on record and submitted that the Tribunal had committed error in not awarding the entire claim. However, the Tribunal has given cogent reasons for awarding the amount under various heads in paragraphs 10 to 12 of the judgment and the amount of compensation determined by the Tribunal after applying the correct principles cannot be said to be outside the brackets so as to call for interference. There is no substance in the appeal and the same is dismissed. No order as to costs.

[M.C. PATEL, J.]

/phalguni/